Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION

CHAMBER SUMMONS NO. 1465 OF 2007
IN
ADMIRALTY SUIT NO. 16 OF 2005

Islamic Republic of Iran
Shipping Lines & Anr. ..Plaintiffs

versus

Kantilal & Co. (Bombay) & Ors. ..Defendants

Mr. M. Khatri i/b. Mr. P. Pratap for the Plaintiffs.

Mr. Z. Andhyarjuna i/b. Mr. J. Bhatia for the Defendants.

CORAM : S. A. BOBDE, J.
DATE : 6TH DECEMBER, 2007.

P.C.

. Heard.

2. There is no merit in the Chamber Summons in which there is a prayer that the defendants right of cross examination of the plaintiffs witness Mr. Seyed Ahmed Varshochi be closed. In the alternative the learned counsel for the plaintiffs state that the defendants be directed to bear the costs of the examination of the plaintiffs witness. According to

the learned counsel this is because the defendants declined to cross-examine the witness when he appeared on 20.7.2007 unjustifiably.

3. Mr. Andhyarjuna learned counsel for the defendants state that the defendants justifiably refused cross-examining the witness because the affidavit of evidence had not been tendered in court. The witness had not deposed to the fact that he has filed the affidavit of evidence. There is no dispute about the reason why the defendants refused to cross-examine. It is therefore difficult to accept the contention that the defendants unjustifiably refused to cross-examine the witness. Indeed, it was the plaintiffs duty to have the affidavit in lieu of evidence to be properly admitted in evidence.

4. There is nothing in the order of this court at Exhibit ’A’ dated 10.4.2007 (Per Chandrachud, J.) which dispenses with the admission of the affidavit of evidence. Chamber Summons is therefore rejected. Examination of the witnesses to be completed expeditiously.

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(S. A. BOBDE, J.)